

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

W.P. (C) No. 4000 of 2006

PETITIONERS

1. P.S. Steel Tubes Private Limited A Company duly incorporated and registered under the relevant provisions of the Companies Act 1956 having its registered office at 27, Akashganga Complex Supela Bhilai (C.G.) through Suresh Ahuja S/o Late K.L. Ahuja aged about 56 years authorised signatory and Director P.S. Steel Tubes Pvt. Ltd.
2. Shri Suresh Ahuja S/o Late K.L. Ahuja aged about 56 years resident of 42 Motilal Nehru Nagar, Bilaspur (C.G.) Share holder and Director P.S. Steel Tubes Private Ltd. having its registered office at 27, Akashganga Complex, Supela Bhilai (C.G.)

VERSUS

RESPONDENTS:

1. Rashtriya Ispat Nigam Limited Visakhapatnam Steel Plant through Asstt. General manager (Purchases) Administrative Building 3rd floor Visakhapatnam 530031 India.

Present: Shri Neelabh Dubey, learned counsel for the petitioners.

ORAL ORDER

(Passed on 01st August, 2006)

The following oral order of the Court was passed by
S.R. NAYAK, CJ.

Having regard to the nature of the dispute brought before the Court, in order to grant relief to the petitioners, it becomes imperative for the Court to decide the question whether there exists any enforceable contract between the parties, whether the petitioners have

committed any default in the matter of supply of 50,000 M.T. Black Lancing Pipes to the respondent - Company and whether the respondent - Company is legally acted in demanding Rs.1,43,410/- towards additional cost incurred in risk purchase action on account of the failure of the petitioners to make supplies. Thus, it is trite, in order to grant relief to the petitioners the Court should go into domain of disputed facts and record findings on pure questions of fact. The contract between the parties is not a statutory contract, but, an ordinary contract. This Court under Article 226 of the Constitution cannot be converted into a Civil Court. In that view of the matter, we decline to entertain this writ petition. Accordingly, it is dismissed, however, reserving liberty to the petitioners to workout their legal remedies before the jurisdictional Civil Court. All the contentions raised in this writ petition are left open to be agitated before the jurisdictional Civil Court.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sabbir